

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARSHA SINGLETON,

Plaintiff,

vs.

Case No. 20-

UNITED OF OMAHA LIFE
INSURANCE COMPANY,

Defendant,

_____ /

Donald W. Busta, Jr. (P67544)
Attorney for Plaintiff
LEVINE BENJAMIN, P.C.
100 Galleria Officentre, Suite 411
Southfield, Michigan 48034
Phone (248) 352-5700
Fax (248) 352-1312
dbusta@levinebenjamin.com

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PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff, MARSHA SINGLETON, by and through her attorneys, DONALD W. BUSTA, JR, and LEVINE BENJAMIN, P.C., and for her Complaint against Defendant, UNITED OF OMAHA LIFE INSURANCE COMPANY, states as follows:

1. At all times, relevant hereto, Plaintiff, MARSHA SINGLETON, is a resident of the City of Pontiac, County of Oakland and State of Michigan.

2. At all times, relevant hereto, Defendant, UNITED OF OMAHA LIFE INSURANCE COMPANY, is a foreign insurance corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all times, relevant hereto, Defendant, UNITED OF OMAHA LIFE INSURANCE COMPANY, was compensated for and provided Long-Term Disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, MARSHA SINGLETON, and other employees, by their employer.

4. The Long-Term Disability insurance policy issued by Defendant, UNITED OF OMAHA LIFE INSURANCE COMPANY, is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, UNITED OF OMAHA LIFE INSURANCE COMPANY, to provide Plaintiff, MARSHA SINGLETON, with Long-Term Disability Benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, MARSHA SINGLETON, suffers from pain and weakness caused by disorders of the cervical, thoracic and lumbar spine with associated radiculopathy, disorder of the left knee, left carpal tunnel syndrome and asthma. As a result, Plaintiff's conditions have made it impossible for her to work.

7. Defendant, UNITED OF OMAHA LIFE INSURANCE COMPANY, has wrongfully terminated Plaintiff's disability benefits.

8. Defendant's denial of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's claim of total and permanent disability. Defendant's termination of Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, MARSHA SINGLETON, has exhausted all appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses to resume payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, MARSHA SINGLETON, is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and resume payment of Long-Term Disability benefits to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to her under the terms of the plan, to enforce her rights under the terms of the plan, or to clarify her rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful termination of long-term disability benefits, Plaintiff, MARSHA SINGLETON, has sustained the following damages, including, but not limited to:

(a) Loss of past, present and future income in the form of wage loss compensation benefits;

WHEREFORE, Plaintiff, MARSHA SINGLETON, prays for Judgment in her favor and against the Defendant, UNITED OF OMAHA LIFE INSURANCE

COMPANY, in whatever amount she is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ DONALD W. BUSTA, JR
Attorneys for Plaintiff
100 Galleria Officentre, Suite 411
Southfield, MI 48034
Phone (248) 352-5700
Fax (248) 352-1312
dbusta@levinebenjamin.com

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